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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Report of the Select Committee on the Bill to provide for regulating the quality of certain seeds for sale, and for matters connected therewith, as passed by Rajya Sabha, was presented to Lok Sabha on the 4th November, 1966:—

SELECT COMMITTEE ON THE SEEDS BILL, 1964.

Composition of the Committee

Shri S. C. Samanta—*Chairman*

MEMBERS

2. Shri R. Achuthan
3. Shri Maganti Ankineedu
4. Shri Parashottamdas Haribhai Bheel
5. Shri Brij Raj Singh
6. Shrimati Jyotsna Chanda
7. Shri N. T. Das
8. Shri M. L. Dwivedi

9. Shri Gajraj Singh Rao
10. Shri R. Muthu Gounder
11. Shri Badshah Gupta
12. Shri Hari Vishnu Kamath
13. Shri Kisan Veer
14. Shri Jiyalal Mandal
15. Shrimati Shashank Manjari
16. Shri Shyam Dhar Mishra[1]
17. Shri Mohan Nayak
18. Shri Sarjoo Pandey
19. Shri S. K. Paramasivan
20. Shri Man Sinh P. Patel
21. Shri Deorao S. Patil
22. Shri Kishen Pattnayak[2]
23. Shri Pratap Singh
24. Shri H. C. Linga Reddy
25. Dr. Sarojini Mahishi
26. Shrimati Shakuntala Devi[3]
27. Shri Ku. Sivappraghassan
28. Shri Sivamurthi Swami
29. Shri Shiva Datt Upadhyaya
30. Shri C. Subramaniam.

REPRESENTATIVE OF THE MINISTRY OF LAW

Shri S. Harihara Iyer, *Deputy Legislative Counsel, Ministry of Law.*

REPRESENTATIVES OF THE MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION (DEPARTMENT OF AGRICULTURE)

1. Shri I. J. Naidu, *Joint Secretary.*
2. Dr. G. V. Chalam, *Joint Commissioner (Seeds).*
3. Shri Hit Prakash, *Deputy Commissioner (Seeds Development).*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

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[1] Appointed on the 6th September, 1966, *vice* Shri Annasaheb Shinde resigned from the Committee w.e.f. 5th September, 1966.

[2] Resigned from the Committee with effect from 20th October, 1966.

[3] Appointed on the 18th May, 1966 *vice* Shri Manikya Lal Verma resigned from the Committee w.e.f. 13th May, 1966.

REPORT OF THE SELECT COMMITTEE

I, the Chairman of the Select Committee to which the Bill* to provide for regulating the quality of certain seeds for sale, and for matters connected therewith, as passed by Rajya Sabha, was referred, having been authorised to submit the report on their behalf, present their report, with the Bill as amended by the Committee annexed thereto.

2. The motion for consideration of the Bill was moved in the House by Shri Shah Nawaz Khan, Deputy Minister of Food and Agriculture, on the 11th May, 1965, and discussed on the 11th May and 8th August, 1965 and on the 15th February, 1966.

4. The Bill was, however, referred to the Select Committee on the 15th February, 1966 on an amendment moved by Shri Annasahib Shinde, Deputy Minister in the Ministry of Food, Agriculture, Community Development & Cooperation.

5. The Committee held nine sittings in all.

6. The first sitting of Committee was held on the 24th February, 1966. The Committee, at this sitting decided to hear evidence of organisations, public bodies etc. desirous of presenting their views or suggestions before the Committee and to issue a press communique inviting memoranda for the purpose by the 15th April, 1966. The Committee also decided to invite the comments of the State Governments on the provisions of the Bill.

At this sitting, the Committee also decided to form Study Groups to visit various Seed Farms in the country for an on-the-spot study of the latest methods of evolving seeds and varieties and other connected matters relating to the provisions of the Bill.

7. Eight memoranda/representations on the Bill were received by the Committee from different associations/individuals.

The State Governments of Andhra Pradesh, Assam, Bihar, Gujarat, Madhya Pradesh, Madras, Maharashtra, Mysore, Orissa, Punjab, Uttar Pradesh and West Bengal furnished their comments on the Bill. The Governments of Union Territories of Tripura, Laccadives,

*The Bill was published in the Gazette of India Extraordinary, Part II Section 2, dated the 7th Sept. 1964 and passed by Rajya Sabha on the 18th November, 1964.

Minicoy and Amindivi Islands and Andaman and Nicobar Islands intimated that they had no comments to offer on the provisions of the Bill.

8. The Committee divided themselves into nine Study Groups who visited the various Seeds Farms/Vegetable Farms/Research Stations etc. in the various parts of the country for an on-the-spot study of their working. The Study Groups also held discussions with the representatives of the State Governments, a cross-section of representative Farmers and Seed Growers etc.

9. At their fourth and fifth sittings held on the 4th and 5th July, 1966, respectively, the Committee heard the evidence given by the representatives of the All India Seed Growers, Merchants and Nurserymen Association, Madras, the Director of Agriculture, Government of Gujarat, and the representative of the Birla Institute of Scientific Research, New Delhi.

10. The Committee have decided that the evidence given before them should be printed and laid on the Table of the House *in extenso.*

11. The Committee considered the Bill clause-by-clause at their eighth and ninth sittings held on the 26th and 27th October, 1966 respectively.

12. The Report of the Committee was to be presented by the first day of the Fifteenth Session, 1966 of Lok Sabha. As this could not be done, the Committee requested for extension of time upto last day of the first week of the Sixteenth Session, 1966 of Lok Sabha which was granted by the House on the 25th July, 1966.

13. The Committee considered, and adopted, their Report on the 1st November, 1966.

14. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

15. *Clause* 1.—Now that entry 33 in the Concurrent List has been made applicable to the State of Jammu and Kashmir, the Committee are of the view that the provisions of the Bill should be made applicable to that State also. The clause has been amended suitably for this purpose.

16. *Clause* 2.—The Committee feel that the provisions relating to 'breeder seed', 'foundation seed', 'hybrid', 'registered seed', etc., which are matters of detail, need not be made in the Bill. Accordingly, the definitions of these terms in this clause have been omitted.

17. *Clause* 3.—The Committee note that most of the State Governments have been pressing for individual representation on the Central Seed Committee instead of representation being given to a group of States as proposed in the Bill. The Committee are of opinion that each State should be represented on the Committee. The Committee are also of opinion that representation of bodies like the Indian Standards Institution on the Committee should be given and that the term of members of the Committee should be at least two years as against the period of one year proposed in the Bill. For these purposes, the clause has been suitably amended.

18. *Clause* 4.—The Committee are of the view that instead of regulating the quality of seeds in general, it is enough if the quality of seeds of particular kinds or varieties is regulated. Accordingly the clause has been amended to empower the Central Government to notify the kinds or varieties of seeds instead of seeds as proposed in the Bill and notify different kinds or varieties for different States or for different areas thereof.

20. *Original clause* 6.—The Committee feel that it is not necessary to provide for the maintenance of a list of names of varieties and hybrids of seeds. The clause has accordingly been omitted.

21. *Clause* 6 (*original clause* 7).—The Committee are of opinion that the provisions relating to specification of minimum standards of pedigree, crop purity and seed quality of foundation seed, etc., which are matters of detail, need not be made in the Bill. The clause has been amended for the purpose.

22. (*Original clause* 8).—The Committee consider that this clause may be put before the clause relating to grant of certificate by a certification agency. The clause has accordingly been transposed.

23. *Clause* 7 (*original clause* 9).—The Committee feel that there should neither be licensing of sale of seeds nor compulsory certification of seeds. The Committee further feel that no separate provision need be made to regulate the sale of varieties or hybrids of seeds. For these purposes, the clause has been suitably amended.

24. *Clause* 8 (*original clause* 10).—The clause provides for the establishment of a certification agency by the State Government instead of appointment of licensing officers as proposed in the Bill. The Committee consider that power should be vested in the Central Government to establish, after consultation with the State Government, a certificate agency in any State. Necessary provision for the purpose has been made in the clause.

25. *Original clause* 11.—Since there is to be no licensing of sale of seeds, the clause has become unnecessary and has accordingly been omitted.

26. *Clause* 9 (*original clause* 12).—Since certification of seeds is not to be made compulsory, the clause has been redrafted to provide that those persons who desire to have the seed certified by a certification agency may get it certified.

27. *Clause* 10 (*original clause* 13).—Since there is to be no licensing of sale of seeds and no compulsory certification of seeds, the clause has been amended to provide only for the revocation of certificates and the circumstances under which the certificates may be revoked.

28. *Clauses* 11, 14, 15 *and* 18 (*original clauses* 14, 17, 18 *and* 21).—The amendments proposed by the Committee in these clauses are only consequential.

29. *Clause* 17 (*original clause* 20).—The Committee consider that inter-State movement of seeds should be free. The clause has been amended to take away the restriction regarding inter-State movement of seeds.

30. *Clause* 19 (*original clause* 22).—The Committee feel that punishment of imprisonment for the first offences under the Act is too harsh and that a sentence of fine extending up to five hundred rupees for the same would meet the ends of justice. The clause has been amended accordingly.

31. *Clause* 24 (*original clause* 27).—The Committee feel that the provisions of the Bill should not apply to seed of any notified kind or variety grown by a person and sold or delivered by him on his own premises direct to another person for being used by that person for the purpose of sowing or planting. The clause has been redrafted for this purpose.

The other changes made by the Committee are only of consequential or verbal nature.

32. The Committee recommend that the Bill as amended be passed during the current session of Lok Sabha so that the objects underlying it are achieved and the labours of the Committee are not rendered infructuous.

S. C. SAMANTA,
Chairman,
Select Committee.

NEW DELHI;
The 1st November, 1966.

MINUTES OF DISSENT

I

Just as the Central Seed Committee will be constituted, I am of the opinion that in each State a State Seed Advisory Committee or State Consultative Committee should also be constituted. A major part of the work under the Seeds Act will be for the State. These Advisory Committees as in the case of Central Committee should have a Chairman nominated by the State Government to represent such interest as that government thinks fit. Besides these, one member of each of the regions would be there from farmers. The member of Central Committee of that State, shall be the *ex officio* member of the State Committee. This Committee may be appointed by the State Government by notification in the official gazette. This Committee will advise the State Government in regard to any matters connected with the purpose of this Act.

The expenses in relation to the State Committee should be met by the State Government.

In the Fourth Plan, there is a provision for the organisation of the State Seed Committees.

NEW DELHI; DEORAO S. PATIL.

Dated the 1st November, 1966.

II

The idea and purpose for which this Bill is sought to be enacted is of course concerned with the interest of better and bigger food production, but it is the sad experience of implementation of such enactments, which impels me to submit this note of dissent. The points worth considering for dissent are as follows:—

(1) The expenses on Government farm for production are already very heavy and they would become still heavier with extra staff requisite for the implementation of the provisions of the Act. Government farms and other such agencies have no proper scientific storage. The price of seeds sold by Government is very very high, while in most cases better seed can be procured from

good self-cultivating farmers and farmers are wise enough to secure good seeds.

(2) Only persons purchasing from Government seed farms or other Government agencies are those who get seed Taccavi loan and under, these circumstances, they perforce have to take bad quality, spoiled and moth-eaten seed and for this also they have to go to Block Development Officers, agriculture Inspectors, co-operative societies several times and spend a lot of time and money going from one Office to another.

(3) In effect, this enactment would result in all the value of statutory controls, as in other civil supply enactments, and with such control enactments, monied people and capitalists would be actual beneficiaries and as agents for Government selling. Government supported dairies and poultries what are standing examples.

(4) It is wrongly assumed that actual tiller of the soil and cultivators, especially peasant proprietor is not conversant with bigger and better production on his farm and for that purpose he does not know what is best and most suitable seed for his land (quality and kind and other means of irrigation etc. including).

(5) In my opinion, this Bill at this stage should be dropped and not proceeded with, and instead, help in the form of good fertilizer, irrigation facilities etc. be provided to actual tillers of the soil, and good quality seed, if available with Government, and which farmers approve, be supplied to them on subsidised basis as loan; and later after harvesting, the best foodgrains seed be purchased from them, for future distribution; and those whose harvest is not of such high standard, they may pay back to the Government for loaned articles of food and food production the produce at market-rate to Government.

Subsidy should be liberal and loans for two or three years. This would save huge Government expenses envisaged in the implementation of this enactment and also avoid corruption and corrupt practices and Government's laudable objective would be achieved. The food production is suffering because almost all help is given by manoeuvring to big capitalists and they are masters in black marketting and profiteering and as corrupt practices agents.

NEW DELHI; GAJRAJ SINGH RAO.

Dated the 2nd November, 1966.

III

While several salutary changes have been made by the Committee in the provisions of the Bill, it has not been made abundantly clear that the certification of quality seeds should be entrusted to an independent, unofficial agency or Committee divorced from production.

In view of the vastness of our country, the necessity for Advisory Committee at the States level, besides that at the Central level, should be considered.

NEW DELHI; HARI VISHNU KAMATH.
Dated the 3rd Nov. 1966.

Bill No. XII-CA of 1964

THE SEEDS BILL, 1964

(AS REPORTED BY THE SELECT COMMITTEE)

ARRANGEMENT OF CLAUSES

CLAUSES

1. Short title, extent and commencement.
2. Definitions.
3. Central Seed Committee.
4. Central Seed Laboratory and State Seed Laboratory.
5. Power to notify kinds or varieties of seeds.
6. Power to specify minimum limits of germination and purity, etc.
7. Regulation of sale of seeds of notified kinds or varieties.
8. Certification agency.
9. Grant of certificate by certification agency.
10. Revocation of certificate and payment of compensation.
11. Appeal.
12. Seed Analysts.
13. Seed Inspectors.
14. Powers of Seed Inspector.
15. Procedure to be followed by Seed Inspectors.
16. Report of Seed Analyst.
17. Restriction on export and import of seeds of notified kinds or varieties.
18. Recognition of seed certification agencies of foreign countries.
19. Penalty.
20. Forfeiture of property.
21. Offences by companies.
22. Protection of action taken in good faith.
23. Power to give directions.
24. Exemption.
25. Power to make rules.

Bill No. XII-CA of 1964

THE SEEDS BILL, 1964

(AS REPORTED BY THE SELECT COMMITTEE)

[*Words side-lined or underlined indicate the amendments suggested by the Committee; asterisks indicate omissions.*]

A

BILL

to provide for regulating the quality of certain seeds for sale, and for matters connected therewith.

BE it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Seeds Act, 1966. Short title, extent and commencement.

(*2*) It extends to the whole of India. * * *

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act, and for different States or for different areas thereof.

2. In this Act, unless the context otherwise requires,—

(*1*) "agriculture" includes horticulture; Definitions.

* * * * *

(2) "Central Seed Laboratory" means the Central Seed Laboratory established or declared as such under sub-section (*1*) of section 4;

(3) "certification agency" means the certification agency established under section 8 or recognised under section 18;

* * * * *

(4) "Committee" means the Central Seed Committee constituted under sub-section (*1*) of section 3;

(5) "container" means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which any article or thing is placed or packed;

(6) "export" means taking out of India to a place outside India;

* * * * *

(7) "import" means bringing into India from a place outside India;

(8) "kind", in relation to a notified seed, means one or more related species or sub-species of crop plants each individually or collectively known by one common name such as cabbage, maize, paddy and wheat;

* * * * *

(9) "notified kind or variety", in relation to any seed, means any kind or variety thereof notified under section 5;

(*10*) "prescribed" means prescribed by rules made under this Act;

* * * * *

(*11*) "seed" means any of the following classes of seeds used for sowing or planting—

(*i*) seeds of food crops including edible oil seeds and seeds of fruits and vegetables;

(*ii*) cotton seeds;

(*iii*) seeds of cattle fodder,

and includes seedlings, and tubers, bulbs, rhizomes, roots, cuttings, all types of grafts and other vegetatively propagated material, of food crops or cattle fodder;

(*12*) "Seed Analyst" means a Seed Analyst appointed under section 12;

(*13*) "Seed Inspector" means a Seed Inspector appointed under section 13;

(*14*) "State Government", in relation to a Union territory, means the administrator thereof;

(*15*) "State Seed Laboratory", in relation to any State, means the State Seed Laboratory established or declared as such under sub-section (*2*) of section 4 for that State; and

(*16*) "variety" means a sub-division of a kind identifiable by growth, yield, plant, fruit, seed, or other characteristic.

Central Seed Committee.

3. (*1*) The Central Government shall, as soon as may be after the commencement of this Act, constitute a Committee called the Central Seed Committee to advise the Central Government and the State Governments on matters arising out of the administration of this Act and to carry out the other functions assigned to it by or under this Act.

(*2*) The Committee shall consist of the following members, namely:—

(*i*) a Chairman to be nominated by the Central Government;

(*ii*) eight persons to be nominated by the Central Government to represent such interests as that Government thinks fit;

(*iii*) one person to be nominated by the Government of each of the States.

(*3*) The members of the Committee shall, unless their seats become vacant earlier by resignation, death or otherwise, be entitled to hold office for two years and shall be eligible for re-nomination.

(*4*) The Committee may, subject to the previous approval of the Central Government, make bye-laws fixing the quorum and regulating its own procedure and the conduct of all business to be transacted by it.

(5) The Committee may appoint one or more sub-committees, consisting wholly of members of the Committee or wholly of other persons or partly of members of the Committee and partly of other persons, as it thinks fit, for the purpose of discharging such of its functions as may be delegated to such sub-committee or sub-committees by the Committee.

(6) The functions of the Committee or any sub-committee thereof may be exercised notwithstanding any vacancy therein.

(7) The Central Government shall appoint a person to be the secretary of the Committee and shall provide the Committee with such clerical and other staff as the Central Government considers necessary.

Central Seed Laboratory and State Seed Laboratory.

4. (*1*) The Central Government may, by notification in the Official Gazette, establish a Central Seed Laboratory or declare any seed laboratory as the Central Seed Laboratory to carry out the functions entrusted to the Central Seed Laboratory by or under this Act.

(*2*) The State Government may, by notification in the Official Gazette, establish one or more State Seed Laboratories or declare any seed laboratory as a State Seed Laboratory where analysis of seeds of any notified kind or variety shall be carried out by Seed Analysts under this Act in the prescribed manner.

Power to notify kinds or varieties of seeds.

5. If the Central Government, after consultation with the Committee, is of opinion that it is necessary or expedient to regulate the quality of *seed of any kind or variety to be sold for purposes of agriculture, it may, by notification in the Official Gazette, declare such kind or variety to be a notified kind or variety for the purposes of this Act and different kinds or varieties may be notified for different States or for different areas thereof.

Power to specify minimum limits of germination and purity etc.

6. The Central Government may, after consultation with the Committee and by notification in the Official Gazette, specify—

(*a*) the minimum limits of germination and purity with respect to any* seed of any notified kind or variety;

(*b*) the mark or label to indicate that such seed conforms to the minimum limits of germination and purity specified

under clause (*a*) and the particulars which such mark or label may contain.

* * * * *

Regulation of sale of seeds of notified kinds or varieties.

7. * No person shall, himself or by any other person on his behalf, carry on the business of selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety, unless—

(*a*) * such seed is identifiable as to its kind or variety;

* * * * *

(*b*) * such seed conforms to the minimum limits of germination and purity specified under clause (*a*) of section 6;

(c) * the container of such seed bears in the prescribed manner, the mark or label containing the correct particulars thereof, specified under clause (*b*) of section 6; and

(*d*) he complies with such other requirements as may be prescribed.

* * * * *

Certification agency.

8. The State Government or the Central Government in consultation with the State Government may, by notification in the Official Gazette, establish a certification agency for the State to carry out the functions entrusted to the certification agency by or under this Act.

* * * * *

Grant of certificate by certification agency.

9. (*1*) Any person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety may, if he desires to have such seed certified by the certification agency, apply to the certification agency for the grant of a certificate for the purpose.

(2) Every application under sub-section (*1*) shall be made in such form, shall contain such particulars and shall be accompanied by such fees as may be prescribed.

(3) On receipt of any such application for the grant of a certificate, the certification agency may, after such enquiry as it thinks fit and after satisfying itself that the seed to which the application relates conforms to the minimum limits of germination and purity specified for that seed under clause (*a*) of section 6, grant a certificate in such form and on such conditions * * * as may be prescribed.

Revocation of certificate.

10. If * * * the certification agency * * is satisfied, either on a reference made to in it this behalf or otherwise, that—

(*a*) * * the certificate granted by it under section 9 has been obtained by misrepresentation as to an essential fact; or

(*b*) the holder of * * the certificate has, without reasonable cause, failed to comply with the conditions subject to which * * the certificate * * has been granted or has contravened any of the provisions of this Act or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of * * the certificate may be liable under this Act, * * the certification agency may, after giving the holder of * * the certificate * * an opportunity of showing cause, revoke * * the certificate.

Appeal.

11. (*1*) Any person aggrieved by a decision of * * a certification agency under section 9 or section 10, may, within thirty days from the date on which the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to such authority as may be specified by the State Government in this behalf:

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (*1*), the appellate authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(3) Every order of the appellate authority under this section shall be final.

Seed Analysts.

12. The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Analysts and define the areas within which they shall exercise jurisdiction.

Seed Inspectors.

13. (1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Inspectors and define the areas within which they shall exercise jurisdiction.

(2) Every Seed Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and shall be officially subordinate to such authority as the State Government may specify in this behalf.

45 of 1860.

Powers of Seed Inspector.

14. (1) The Seed Inspector may—

(a) take samples of any * seed of any notified kind or variety from—

(i) any person selling such seed; or

(ii) any person who is in the course of conveying, delivering or preparing to deliver such seed to a purchaser or a consignee; or

(iii) a purchaser or a consignee after delivery of such seed to him;

(b) send such sample for analysis to the Seed Analyst for the area within which such sample has been taken;

(c) enter and search at all reasonable times, with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Act has been or is being committed and order in writing the person in possession of any * seed in respect of which the offence has been or is

being committed, not to dispose of any stock of such * seed for a specific period not exceeding thirty days or, unless the alleged offence is such that the defect may be removed by the possessor of the * seed, seize the stock of such * seed;

(*d*) examine any record, register, document or any other material object found in any place mentioned in clause (c) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act; and

(*e*) exercise such other powers as may be necessary for carrying out the purposes of this Act or any rule made thereunder.

(*2*) Where any sample of any * seed of any notified kind or variety is taken under clause (*a*) of sub-section (*1*), its cost, calculated at the rate at which such seed is usually sold to the public, shall be paid on demand to the person from whom it is taken.

(*3*) The power conferred by this section includes power to break-open any container in which any * seed of any notified kind or variety may be contained or to break-open the door of any premises where any such seed may be kept for sale:

Provided that the power to break-open the door shall be exercised only after the owner or any other person in occupation of the premises, if he is present therein, refuses to open the door on being called upon to do so.

(*4*) Where the Seed Inspector takes any action under clause (*a*) of sub-section (*1*), he shall, as far as possible, call not less than two persons to be present at the time when such action is taken and take their signatures on a memorandum to be prepared in the prescribed form and manner.

(*5*) The provisions of the Code of Criminal Procedure, 1898, shall so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code. 5 of 1898.

Procedure to be followed by Seed Inspectors.

15. (*1*) Whenever a Seed Inspector intends to take sample of any seed of any notified kind or variety for analysis, he shall—

(*a*) give notice in writing, then and there, of such intention to the person from whom he intends to take sample;

(*b*) except in special cases provided by rules made under this Act, take three representative samples in the prescribed manner and mark and seal or fasten up each sample in such manner as its nature permits.

(*2*) When samples of any * seed of any notified kind or variety are taken under sub-section (*1*), the Seed Inspector shall—

(*a*) deliver one sample to the person from whom it has been taken;

(*b*) send in the prescribed manner another sample for analysis to the Seed Analyst for the area within which such sample has been taken; and

(*c*) retain the remaining sample in the prescribed manner for production in case any legal proceedings are taken or for analysis by the Central Seed Laboratory under sub-section (*2*) of section 16, as the case may be.

(*3*) If the person from whom the samples have been taken refuses to accept one of the samples, the Seed Inspector shall send intimation to the Seed Analyst of such refusal and thereupon the Seed Analyst receiving the sample for analysis shall divide it into two parts and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he delivers his report, to be delivered to the Seed Inspector who shall retain it for production in case legal proceedings are taken.

(*4*) Where a Seed Inspector takes any action under clause (c) of sub-section (*1*) of section 14,—

(*a*) he shall use all despatch in ascertaining whether or not the * seed contravenes any of the provisions of section 7 and if it is ascertained that the * seed does not so contravene, forthwith revoke the order passed under the said clause or, as the case may be, take such action as may be necessary for the return of the stock of the * seed seized;

(*b*) if he seizes the stock of the * seed, he shall, as soon as may be, inform a magistrate and take his orders as to the custody thereof;

(*c*) without prejudice to the institution of any prosecution, if the alleged offence is such that the defect may be removed by the possessor of the * seed, he shall, on being satisfied that the defect has been so removed, forthwith revoke the order passed under the said clause.

(5) Where a Seed Inspector seizes any record, register, document or any other material object under clause (*d*) of sub-section (*1*) of section 14, he shall, as soon as may be, inform a magistrate and take his orders as to the custody thereof.

Report of Seed Analyst.

16. (*1*) The Seed Analyst shall, as soon as may be after the receipt of the sample under sub-section (2) of section 15, analyse the sample at the State Seed Laboratory and deliver, in such form as may be prescribed, one copy of the report of the ~~result of the analysis~~ to the Seed Inspector and another copy thereof to the person from whom the sample has been taken.

(2) After the institution of a prosecution under this Act, the accused vendor or the complainant may, on payment of the prescribed fee, make an application to the court for sending any of the samples mentioned in clause (*a*) or clause (*c*) of sub-section (2) of section 15 to the Central Seed Laboratory for its report and on receipt of the application, the court shall first ascertain that the mark and the seal or fastening as provided in clause (*b*) of sub-section (*1*) of section 15 are intact and may then despatch the sample under its own seal to the Central Seed Laboratory which shall thereupon send its report to the court in the prescribed form within one month from the date of receipt of the sample, specifying the result of the analysis.

(3) The report sent by the Central Seed Laboratory under sub-section (2) shall supersede the report given by the Seed Analyst under sub-section (*1*).

(4) Where the report sent by the Central Seed Laboratory under sub-section (2) is produced in any proceedings under section 19, it shall not be necessary in such proceedings to produce any sample or part thereof taken for analysis.

Restriction on export and import of seeds of notified kinds or varieties.

17. No person shall, for the purpose of sowing or planting by any person (including himself), export or import or cause to be exported or imported any * seed of any notified kind or variety, unless—

(*a*) it conforms to the minimum limits of germination and purity specified for that seed under clause (*a*) of section 6; and

(*b*) its container bears, in the prescribed manner, the mark or label with the correct particulars thereof specified for that seed under clause (*b*) of section 6.

Recognition of seed certification agencies of foreign countries.

18. * The Central Government may, on the recommendation of the Committee and by notification in the Official Gazette, recognise any seed certification agency established in * * any foreign country, for the purposes of this Act.

* * * * *

Penalty.

19. If any person—

(*a*) contravenes any provision of this Act or any rule made thereunder; or

(*b*) prevents a Seed Inspector from taking sample under this Act; or

(*c*) prevents a Seed Inspector from exercising any other power conferred on him by or under this Act,

he shall, on conviction, be punishable—

(*i*) for the first offence * * with fine which may extend to five hundred rupees * *; and

(*ii*) in the event of such person having been previously convicted of an offence under this section, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Forfeiture of property.

20. When any person has been convicted under this Act for the contravention of any of the provisions of this Act or the rules made thereunder, the * seed in respect of which the contravention has been committed may be forfeited to the Government.

Offences by companies.

21. (*1*) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

Protection of action taken in good faith.

22. No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything which is in good faith done or intended to be done under this Act.

Power to give directions.

23. The Central Government may give such directions to any State Government as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule made thereunder.

Exemption.

24. Nothing in this Act shall apply to any seed of any notified kind or variety grown by a person and sold or delivered by him on his own premises direct to another person for being used by that person for the purpose of sowing or planting.

Power to make rules.

25. (*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the functions of the Committee and the travelling and daily allowances payable to members of the Committee and members of any sub-committee appointed under sub-section (5) of section 3;

(b) the functions of the Central Seed Laboratory;

* * * * *

(c) the functions of a certification agency;

(d) the manner of marking or labelling the container of * seed of any notified kind or variety under clause (c) of sub-section (1), of section 7 and under clause (b) of section 17;

(e) the requirements which may be complied with by a person carrying on the business referred to in section 7;

(f) the form of application for the grant of a certificate under section 9, the particulars it may contain, the fees which should accompany it, the form of the certificate and the conditions subject to which * the certificate may be granted;

* * * * * *

(g) the form and manner in which and the fee on payment of which an appeal may be preferred under section 11 and the procedure to be followed by the appellate authority in disposing of the appeal;

(h) the qualifications and duties of Seed Analysts and Seed Inspectors;

(i) the manner in which samples may be taken by the Seed Inspector, the procedure for sending such samples to the Seed Analyst or the Central Seed Laboratory and the manner of analysing such samples;

(j) the form of report of the result of the analysis under sub-section (1) or sub-section (2) of section 16 and the fees payable in respect of such report under the said sub-section (2);

* * * * * *

(k) the records to be maintained by a person carrying on the business referred to in section 7 and the particulars which such records shall contain; and

(*l*) any other matter which is to be or may be prescribed.

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, that rule shall, thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

S. L. SHAKDHER,
Secretary.

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